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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91161557
Party	Plaintiff Red Bull GmbH
Correspondence Address	Martin R. Greenstein TechMark a Law Corporation 4820 Harwood Road, Suite 200 San Jose, CA 95124-5273 UNITED STATES MRG@TechMark.com, MPV@TechMark.com
Submission	Motion to Suspend for Settlement Discussions
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Date	03/25/2010
Attachments	ToroOsborne-91161557-AgreedSuspRequest-March2010.pdf ( 3 pages )(41510 bytes )

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is filed electronically via ESSTA on March 25, 2010.

/Mariela P. Vidolova/

Mariela P. Vidolova

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

RED BULL GMBH

Opposer

v.

Osborne Distribuidora, S.A.

Applicant.

**Opposition No. 91-161,557**

Trademark:

**TORO OSBORNE & Black Bull  
Design**

Serial No.: 76/320,629

**STIPULATED MOTION TO SUSPEND PROCEEDING**

Opposer, with the consent of Applicant, hereby moves the Trademark Trial and Appeal Board to further suspend the above-identified proceeding for a period of six (6) months, without prejudice to the rights of either party, and to reset all Trial Dates as follows:

Answer to the counterclaim  
due:

October 4, 2010

Discovery period to close:

November 27, 2010

30-day testimony period for party  
in position of plaintiff in the  
opposition to close:

February 25, 2011

30-day testimony period for party  
in position of defendant in the  
opposition and plaintiff in the  
counterclaim to close:

April 24, 2011

30-day rebuttal testimony period  
for plaintiff in the opposition and  
defendant in the counterclaim to close:

June 23, 2011

15-day rebuttal testimony period  
for plaintiff in the counterclaim  
to close:

August 6, 2011

Brief for plaintiff in the  
opposition shall be due:

October 7, 2011

Brief for defendant in the  
opposition and plaintiff in  
the counterclaim shall be due:

November 7, 2011

Brief for defendant in the  
counterclaim and reply brief,  
if any, for plaintiff in the  
opposition shall be due:

December 6, 2011

Reply brief, if any, for plaintiff  
in the counterclaim shall be due:

December 21, 2011

The parties have a continuing obligation to provide the Board with a progress report and to that effect they offer the following explanation, which reflects the developments in the dealings between the parties concerning their respective marks. Presently the parties are involved in multiple proceedings worldwide, including several oppositions in the United States, proceedings before the Austrian Trademarks Office, the European Community's Office for Harmonization in the Internal Market, as well as court proceedings in Europe. Recently, a decision for Red Bull GmbH has issued in one of the overseas court proceedings - the action in the civil court of first instance at The Hague, Netherlands. This decision has now been appealed by Osborne Distribuidora S.A. and the appeal proceeding is currently underway. The outcome of this complex foreign litigation will undoubtedly have a significant impact on the parties with respect to their marks in the United States and elsewhere. While awaiting the results of these court proceedings, the principals would like to defer any action with respect to this US proceeding.

In view of the fact that the expected decisions in the foreign litigation will have an important role in the parties' positions and desiring to reach a possible worldwide resolution, the parties seek a further suspension of the instant US opposition proceeding. From a practical as well as judicial economy standpoint, it is reasonable to suspend this proceeding to allow the

parties to defer and perhaps altogether avoid spending time, effort, and money associated with it until the aforementioned litigation is completed or resolved.

This stipulated motion was agreed to by Applicant's counsel Deborah Tellerman Berkowitz, Ruden, McClosky, Smith, Schuster & Russell, P.A. in an e-mail exchange. In jointly requesting suspension of the proceedings the parties are not being motivated by any desire to delay these proceedings.

It is submitted that in view of the foregoing, good cause has been shown for this Request, and it is respectfully requested that the motion be granted.

Dated: March 25, 2010

Respectfully Submitted,  
RED BULL GMBH  
By /Mariela P Vidolova/  
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Attorneys for Opposer

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **STIPULATED MOTION TO SUSPEND PROCEEDING** is being served electronically on March 25, 2010 on Applicant's Attorney of Record at her e-mail below by express agreement:

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/Mariela P Vidolova/  
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